

## CHAPTER 5. TREES

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### **Sec. 6-5-1. Purpose and Intent.**

The purpose of this chapter is to regulate and control the planting, maintenance and removal of trees and shrubs on public lands; to encourage the protection of existing trees within the City; and to establish standard arboricultural specifications and practices to be used for the protection of existing and future trees in the City of Greenville.

### **Sec. 6-5-2. Jurisdiction.**

This chapter shall govern all tree and shrub planting, maintenance and removal in the public right-of-way, parkways and other city-owned and or maintained property; planting and maintenance of trees and tree islands within open off-street parking areas owned and operated by the city; and the pruning, treating and removal of trees which endanger public safety within the corporate limits of the city, as now or hereafter established. (Ord. No. 644, § 1, 7-7-77)

### **Sec. 6-5-3. Definitions.**

For the purposes of this chapter, the following words and phrases shall have the meanings respectively ascribed to them by this section:

- (1) *City arborist.* The person appointed or employed by the city manager who, through formal education or practical experience in urban forestry, arboriculture, horticulture or related field, is capable of administering a complete urban landscape management program.
- (2) *Parkways.* All public parks owned and/ or maintained by the city.
- (3) *Person.* Any agency of the city or representative thereof, any firm or corporation or representative thereof or any private citizen of the city.

- (4) *Public right-of-way or public area.* Land upon which the city has the right to construct a street, sidewalk, bicycle path, use for public utilities or landscape with plants or to carry out any other public purpose.
- (5) *Tree permit.* Consent given in writing by the city arborist to a person, firm or agency, public or private, to plant, maintain, alter or remove any tree or to do anything that would affect that city-owned or controlled tree, including cutting or filling the soil around the roots or allowing a toxic pollutant to injure the trees. (Ord. No. 644, § 2, 7-7-77)

**Sec. 6-5-4. City arborist; position created.**

The city manager shall have the authority to appoint an existing city position or employee as city arborist or, with the permission of the city council, create a new position. The city manager shall be responsible for the assignment of duties and responsibilities for the city arborist.

**Sec. 6-5-5. Same; duties and powers.**

(a) *General duties.* The city arborist shall have the authority to enforce the rules and regulations governing the planting, maintenance, removal, fertilization, pruning and bracing of trees on public rights-of-way, parkways and other city-owned property, the planting and maintenance of trees and tree islands within city-owned open offstreet parking areas, make recommendations concerning the pruning, treating and removal of trees on private property which endanger public safety and concerning the other provisions of this chapter.

(b) *Specific duties.* It shall be the duty of the city arborist to plan for a city tree program which should include:

- (1) Regulating the planting, maintenance and removal of trees in the public rights-of-way, parkways or other city-owned land; planting and maintenance of trees and tree islands within open off-street parking areas owned and operated by the city; and the pruning, treating and removal of trees which endanger public safety;
- (2) Formulating a comprehensive master street tree plan for the city, which shall include planting and/or preservation of street trees on undeveloped rights-of-way prior to street construction;
- (3) Determining tree planting priorities;
- (4) Preparing a set of arboricultural specifications and standards of practice, including but not limited to construction standards, planting and maintenance details and costs and benefits of trees under city jurisdiction;
- (5) Instituting a tree education program for the public;
- (6) Preparing an approved tree and shrub list for the city which shall govern the type and species of trees which may be planted in public rights-of-way, parkways and other city-owned property and in open off-street parking areas owned and operated by the city;
- (7) Conducting a tree and landscape inventory and analysis;
- (8) Advising other departments of the city and all other persons, firms or corporations, now or hereafter engaged in the business of tree planting, maintenance or removal, on all projects that would affect trees under city jurisdiction;
- (9) Drafting regulations protecting trees on property owned by the city;
- (10) Issuing tree permits and making inspections thereof; and
- (11) Advising citizens of the city, upon request, of proper methods of planting, pruning and maintaining trees and shrubs on private property.

(c) Powers. The city arborist shall have the power and authority to issue permits for any planting, maintenance or removal of trees in any public area of the city, in open off-street parking lots owned or operated by the city and for the pruning, treating or removal of trees which endanger public safety. The city arborist shall have the authority to attach reasonable conditions to these permits and to grant or deny them. The city arborist shall also have the power to enforce the provisions of this chapter, as provided by law. (Ord. No. 644, § 3, 7-7-77)

#### **Sec. 6-5-6. Planting, maintenance and removal of trees; permit required.**

(a) Any person desiring for any lawful purpose to fertilize, remove, destroy, cut, severely prune (including the root system), treat with a view to its preservation from disease or insects or otherwise disturb any tree or shrub in or upon any public right-of-way, public area or open city-owned off-street parking area shall first obtain a written permit, hereinafter provided for, on forms furnished by the city arborist. Any work performed under such permit must be done in strict accordance with the conditions of the permit and the arboricultural specifications and standards of practice adopted by the city arborist.

(b) Any person desiring to plant a tree or shrubbery upon any public right-of-way or public area or open off-street parking area owned or operated by the city shall obtain a permit from the city arborist.

(c) When a permit is given by the city arborist to a telephone, telegraph, electric power, natural gas or other public service corporation or utility to trim or perform other operations affecting trees on public areas and rights-of-way and open off-street parking areas, pursuant to this chapter, the amount of such trimming or extent of other operations shall be limited by the actual necessities of the service of the company or utility, as determined by consultation with the city arborist; and such work shall be done in a neat and workmanlike manner and according to the specifications of the city arborist. (Ord. No. 644, § 4, 7-7-77)

#### **Sec. 6-5-7. Emergencies.**

In case of emergencies such as windstorms, ice storms, hurricanes, tornadoes or other disasters, the requirements of section 6-5-6 may be waived by the city arborist during the emergency period so that the requirements of this chapter would in no way hamper private or public work to restore order and public safety in the city. (Ord. No. 644, § 5, 7-7-77)

#### **Sec. 6-5-8. Injuring trees or shrubbery in public places.**

(a) It shall be the responsibility of the person in charge of the erection, repair, alteration or removal of any building or structure to place a guard or protector around any tree or shrub in public rights-of-way or public areas so as to prevent injury to such tree or

shrub arising out of such erection, repair, alteration or removal. If the erection, repair, alteration or removal of any structures shall require the trimming, pruning or removal of any tree or shrub upon public areas or rights-of-way, a written permit shall be obtained from the city arborist.

(b) It shall be unlawful for any person willfully to damage or destroy any tree or shrub in or upon any public area or right-of-way. (Ord. No. 644, § 6, 7-7-77)

**Sec. 6-5-9. Obstruction--trees trimmed.**

It shall be the duty of the building inspector to enforce the zoning ordinance concerning the trimming of trees on real property and the obstruction of public ways. The building inspector shall inform the city arborist of trees which do not conform to the provisions of the zoning ordinance. (Ord. No. 644, § 7, 7-7-77)

**Sec. 6-5-10. Authority to treat or remove trees or shrubbery on public and private grounds.**

(a) The city arborist shall have the right to plant, trim, spray, preserve and remove trees and shrubs on all public rights-of-way and public areas as may be necessary to insure safety or preserve the symmetry and beauty of such public grounds.

(b) The city arborist, under the power herein given, may cause or order to be removed any tree, shrub or part thereof on private property which in some way endangers public health, safety or welfare on public property, or which by reason of its nature is injurious to sewers or other public improvements, or is affected with any injurious disease, insect or other pest, as provided by Section 6-4-9 of this chapter.

(c) The city arborist shall also have the power to enter upon any private area in the city and to spray or otherwise treat or cause or order to be treated any tree or shrub infected or infested by any disease, fungus, pest, insect or parasite, when it shall be necessary in his opinion to do so to prevent the breeding or scattering of any injurious and hazardous condition and to prevent danger therefrom to person or property or to trees and shrubs planted in the public rights-of-way or other public areas.

(d) Prior to any action of the city arborist taken under this section, the affected property owner(s) shall be notified by registered mail of the contemplated action and the reasons for the action. The city arborist shall ask the city council to declare any tree/shrub in violation of this section to be a public nuisance after a duly advertised public hearing. (Ord. No. 644, § 8, 7-7-77)

**Sec. 6-5-11. Registration of businesses which prune, trim or treat trees.**

All persons, firms or corporations now or hereafter engaged in the business of pruning, removing or trimming trees, limbs or shrubs in the public rights-of-way or public areas of the city shall, prior to the commencement of work, file a statement of

responsibility and qualifications with the city arborist. This statement of responsibility and qualifications shall detail all work to be done on city-owned property and how they will comply with the intent and requirements of this chapter. The city arborist may require a bond, etc. to cover the costs of potential property damage to either city-owned or privately-owned property, including the trees or shrubs to be worked on. (Ord. No. 644, § 9, 7-7-77)

**Sec. 6-5-12. Interference with the city arborist.**

It shall be unlawful for any person to hinder, prevent, delay or interfere with the city arborist while engaged in carrying out the lawful execution or enforcement of this chapter; provided, however, that nothing herein shall be construed as an attempt to prohibit the pursuit of any remedy, legal or equitable, in any court of competent jurisdiction for the protection of property rights by the owner of any property within the city. (Ord. No. 644 § 10, 7-7-77)

**Sec. 6-5-13. Punishment for violations.**

It shall be unlawful and constitute a misdemeanor for any person to violate any section of this chapter. Any violation may be punished by a fine of not more than fifty dollars (\$50) or by imprisonment for not more than thirty (30) days. Violations affecting each tree or shrub shall constitute a distinct and separate offense. (Ord. No. 644, § 11, 7-7-77)

**Sec. 6-5-14. Appeals.**

In the event any person is dissatisfied with a decision of the city arborist, adversely affecting such person, involving the application of this chapter, such person may make a written request to the city council for a final and binding ruling.

After a full and complete hearing, a written opinion affirming, overruling or modifying the decision of the city arborist, as may be fit and proper under the existing circumstances, shall be rendered. (Ord. No. 644, § 12, 7-7-77)

**Sec. 6-5-15. Legality of chapter and parts thereof.**

Should any section, clause or provision of this chapter be declared by the courts to be invalid, the same does not affect the validity of the chapter as a whole or parts thereof other than the part so declared to be invalid. (Ord. No. 644, § 13, 7-7-77)